

RECEIVED
CENTRAL FAX CENTER

001

McDermott
Will & EmeryBoston Brussels Chicago Düsseldorf London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

AUG 10 2004

OFFICIAL

FACSIMILE

Date: August 10, 2004

Time Sent:

To:	Company:	Faxsimile No:	Telephone No:
Examiner Marianne Allen	U.S. Patent and Trademark Office	703 872-9306	571 272-0712
<i>From:</i>	Cameron K. Weiffenbach	<i>Direct Phone:</i>	202.756.8171
<i>E-Mail:</i>	cweiffenbach@mwe.com		
<i>Sent By:</i>	Jackie Reid-Johnson	<i>Direct Phone:</i>	202 756-8668
<i>Client/Matter/Tkpr:</i>	50179-086/05169	<i>Original to Follow by Mail:</i>	No
		<i>Number of Pages, Including Cover:</i>	3

Message:

U.S. Patent Application No.09/701,437

Art Unit 1631

Applicant: Ellemen et al.

Dear Examiner Allen:

Attached is our suggested revisions to your suggested claim.

We have added "of a ligand" (line 1 of the claim) and "of the ligand" (penultimate line of claim) because the binding is through a ligand. Support for this amendment can be found at p. 1, line 3-6; p. 1, line 18 to p.3, line 21; p. 6, line 32 to p. 7, line 1; p. 7, lines 24-27; p. 15, lines 28-35; p. 26, lines 30-33; p. 27, lines 4-36; p. 28, lines 7-25; p. 29, lines 3-26; p. 4, line 10-23, p. 6, line 25 to p. 6, line 8; p. 7, lines 3-6, p. 7, lines 24-27, p. 8, lines 3-13; p. 8, lines 14- 29 (compound is mutant ligand); p. 29, lines 14-26; p. 12, lines 10-21; p. 12, line 32 to p. 13, line 5; and p. 16, lines 8-16 of the specification.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.

Main Facsimile: 202.756.8087 Facsimile Operator: 202.756.8090

U.S. practice conducted through McDermott Will & Emery LLP.
600 Thirteenth Street, N.W. Washington, D.C. 20005-3096 Telephone: 202.756.8000

August 10, 2004
Page 2

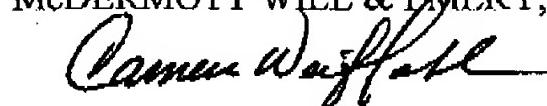
The phrases "or screening for" and "or screened for" have been added after "designing" and "designed", respectively, since the method of the invention also includes screening for a candidate compound. Support for screening can be found at page 5, line 26 and p. 8, line 3 of the specification.

Other minor changes to your suggested claim include changing "the EGF receptor" to "an EGF receptor" in line 2 of the claim and correcting the upper limit of the amino acids in the EGF receptor to "621" in line 6 of the claim.

You informed us last Friday that you had issued an Office Action in this case. If this revised proposed claim is acceptable and would be regarded as containing allowable subject matter, we propose to include it in our next response in order to expedite prosecution.

Please let me know of your thoughts. Thanks.

Sincerely yours,
McDERMOTT WILL & EMERY, LLP


Cameron K. Weiffenbach
Registration No. 44,488

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.

Main Facsimile: 202.756.8087 Facsimile Operator: 202.756.8090

U.S. practice conducted through McDermott Will & Emery LLP
600 Thirteenth Street, N.W. Washington, D.C. 20005-3096 Telephone: 202.756.8000

Application/Control Number: 09/701,437

Art Unit: 1631

RE: Revised Claim for Discussion Purposes

1. A method of identifying a compound which modulates binding of a ligand to the an EGF receptor comprising:

(A) designing or screening for a compound which binds to the structure formed by amino acids 1-475 or formed by amino acids 1-475 or formed by amino acids 313-621 of a model having the atomic coordinates as shown in Figure 6 for amino acids 1-612 621 of the EGF receptor, where binding of the compound to the structure is favored energetically; and

(B) testing the compound designed or screened for in (A) for its ability to modulate binding of the ligand to the EGF receptor *in vivo* or *in vitro*, thereby identifying a compound that modulates binding to the EGF receptor.